



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,480

Filed: December 11, 2001

For: **SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Nickol, Gary B .

) Art Unit: 1642

) Confirmation No: 9680

) Attorney's Docket No. 39780-2830 P1C50

) Customer No. 35489

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DATE MAILED: OCTOBER 20, 2004

AMENDMENT UNDER 37 C.F.R. §1.48(b)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In the above identified application, an Office Action was mailed on April 21, 2004. Having reviewed the application, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please delete the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

Kevin P. Baker	David Botstein
Luc Desnoyers	Napoleone Ferrara
Sherman Fong	Wei-Qiang Gao
J. Christopher Grimaldi	Kenneth J. Hillan
James Pan	Nicholas F. Paoni
Margaret Ann Roy	Victoria Smith
Timothy A. Stewart	Daniel Tumas
Colin K. Watanabe	

Upon entering the present amendment, Dan L. Eaton, Audrey Goddard, Paul J. Godowski, Austin Gurney, P. Mickey Williams and William I. Wood remain named inventors in this case.

Although no fees are believed to be due at this time, please charge any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39780-2830 P1C50. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: October 20, 2004

By: 
Anna L. Barry (Reg. No. 51,436)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baker et al. Docket No: 39780-2830P1C50
Serial No: 10/015,480 Group Art Unit: 1642
Filed: December 11, 2001 Examiner: Nickol, Gary B
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF DAN L. EATON, Ph.D.,
AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,
AUSTIN GURNEY, Ph.D., P. MICKEY WILLIAMS, Ph.D. and
WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Dan L. Eaton, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., P. Mickey Williams, Ph.D. and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,525,174 (Young *et al.*, issue date February 25, 2003 and effective priority date December 4, 1998).
3. The polypeptide designated as PRO1304 (SEQ ID NO:180) claimed in the above-identified application in the United States was sequenced, cloned and homology to FK506 binding protein identified prior to December 4, 1998.
4. U.S. Provisional Application No. 60/100,711, filed on September 17, 1998 discloses sequences designated as SEQ ID NO:1 and SEQ ID NO:2, which are identical to SEQ ID NO:179 and SEQ ID NO:180, respectively, of the above-identified application.

5. U.S. Provisional Application No. 60/100,711, filed on September 17, 1998 further discloses that SEQ ID NO:2, corresponding to SEQ ID NO:180 of the above-identified application, has homology to FK506 binding protein.
6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Dan L. Eaton, Ph.D.

Date

Audrey Goddard, Ph.D.

Date

Paul J. Godowski, Ph.D.

Date

Austin Gurney, Ph.D.

Date

P. Mickey Williams, Ph.D.

Date

William I. Wood, Ph.D.

Date